

Court (hereafter “the Division”). The Defendant appeared from the Montana State Prison and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. The Defendant’s sister, Ashton Buck, was present but did not give a statement. The Defendant gave a statement.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

It is the unanimous decision of the Division that the sentence imposed is clearly excessive and removes the parole restriction and the pre-release component that was mentioned by Judge Christopher. The remaining sentence, terms and conditions imposed in the Judgment of January 25, 2024 are not clearly excessive and are affirmed.

Pursuant to 46-18-904(3), MCA, the District Court shall resentence the Defendant in accordance with the Sentence Review Division’s Decision and file an Amended Judgment.

DATED this 20th day of August, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 21st day of August, 2024, to:

Clerk of District Court – *via email*

Curtis Daniel Buck #3034904, Defendant

Hon. John A. Mercer – *via email*

Teal Mittelstadt, Defense Counsel – *via email*

Benjamin Anciaux, Chief Deputy Co. Attorney – *via email*

Board of Pardons and Parole – *via email*

MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division